اِنَّ هٰذَا الْقُرْاٰنَ يَهْدِيْ لِلَّتِيْ هِيَ اَقْوَمُ وَيُبَشِّرُ الْمُؤْمِنِيْنَ الَّذِيْنَ يَعْمَلُوْنَ الصّٰلِحٰتِ اَنَّ لَهُمْ اَجْرًا كَبِيْرًا

Quran English Translation and Tafseer

Sayyid Abul Ala Mawdudi

Surah 60 - Al-Mumtahinah (The Woman Under Questioning)

سُوْرَةُ الْمُمْتَحِنَةِ مَدَنِيَّةٌ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

(In the name of Allah, the Merciful, the Compassionate)

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَتَّخِذُوْا عَدُوِّيْ وَعَدُوَّكُمْ اَوْلِيَآءَ تُلْقُوْنَ اِلَيْهِمْ بِالْمَوَدَّةِ وَقَدْ كَفَرُوْا بِمَا جَآءَكُمْ مِّنَ الْحَقِّ يُخْرِجُوْنَ الرَّسُوْلَ وَاِيَّاكُمْ اَنْ تُؤْمِنُوْا بِاللّٰهِ رَبِّكُمْ اِنْ كُنْتُمْ خَرَجْتُمْ جِهَادًا فِيْ سَبِيْلِيْ وَابْتِغَآءَ مَرْضَاتِيْ ۚ تُسِرُّوْنَ اِلَيْهِمْ بِالْمَوَدَّةِ ۚ وَاَنَا اَعْلَمُ بِمَآ اَخْفَيْتُمْ وَمَآ اَعْلَنْتُمْ ۭ وَمَنْ يَّفْعَلْهُ مِنْكُمْ فَقَدْ ضَلَّ سَوَآءَ السَّبِيْلِ ۝١

(60-1) Believers, [1] if you have left (your homes and) have come forth to struggle in My Way and to seek My good pleasure, do not make friends with My enemies and your enemies. You befriend them whereas they have spurned the Truth that has come to you; and (such is their enmity that) they expel the Messenger and yourselves for no other reason than that you believe in Allah, your Lord. You send to them messages of friendship in secrecy, although I know well whatever you do, be it secretly or publicly. And whosoever of you does so has indeed strayed far away from the Straight Path.

(1) It would be appropriate to give at the outset the details of the incident concerning which these verses were revealed so that the subject that follows is understood easily. The commentators agree, and Ibn Abbas, Mujahid, Qatadah, Urwah bin Zubair and others also have unanimously reported that these verses were revealed at the time when a letter of Hatib bin Abi Baltaa to the pagans of Makkah was intercepted.

It so happened that, when the Quraish broke the treaty of Hudaibiyah, the Prophet (peace be upon him) started making preparations for an invasion of Makkah, but he did not tell anyone, except a few close companions, about the goal of the expedition. At about the same time a woman arrived from Makkah, who had been a slave-girl of the Bani Abdul Muttalib, and then after her freedom had adopted singing as her profession.

She complained of poverty to the Prophet (peace be upon him) and requested for financial help. The Prophet (peace be upon him) appealed to Bani Abdul Muttalib and he satisfied her need. When she was about to leave for Makkah, Hatib bin Abi Baltaa met her and quietly gave her a letter addressed to some of the Makkah chiefs and paid her ten dinars so that she kept the secret and carried the letter to the addressees secretly. When she had just left Al-Madinah, Allah informed the Prophet (peace be upon him) of it. The Prophet (peace be upon him) immediately sent Ali, Zubair and Miqdad bin Aswad after her with the instruction: Make haste. At Raudah khaki (12 miles from Al-Madinah on the road to Makkah) you will meet a woman, who carries a letter from Hatib to the pagans of Makkah. Seize that letter by any means you like. If she delivers the letter willingly, let her go; if she refuses to deliver it, kill her. When these companions reached the place, they found the woman there. They demanded the letter from her. She replied that she had a letter. They searched her but could find no letter. At last, they told her to deliver the letter, otherwise they would strip her and search her. When she saw that there was no way of escape, she took out the letter from her hair-plait and delivered it to them, and they brought it to the Prophet (peace be upon him). When the letter was opened and read, it was found to contain information to the Quraish that the Prophet (peace be upon him) was making preparations to attack them. (In different traditions different wordings of the letter have been reported but the purport of all is one and the same). The Prophet (peace be upon him) asked Hatib what induced him to act thus. He replied: Do not make haste in this matter of mine. I have not done this because I have become a disbeliever or an apostate, and have started preferring disbelief to Islam. But the truth is that my near and dear ones are still in Makkah. I do not belong to the tribe of the Quraish, but had settled there under the guardianship of some of them. The families of the Emigrants, which are still in Makkah, will be defended and protected by their tribes and clans, but I have no tribe which could give protection to my family. Therefore, I sent this letter in order to keep the Quraish under obligation so that they did not harm my children. (According to Hatib’s son Abdur Rahman, Habit had his children and brother still in Makkah at that time, and according to Hatib’s own report his

mother was also there). Hearing what Hatib had to say, the Prophet (peace be upon him) said to the people: Hatib has told you the truth. That is, the real motive of his action was this and not any treachery against Islam or any intention to support disbelief. Umar rose and said: Permit me, O Messenger of Allah, that I should cut off this hypocrite's head. He has been treacherous to Allah and His Messenger and the Muslims. The Prophet (peace be upon him) said: This man has participated in the Battle of Badr. You may not know, O Umar, Allah may have looked favorably at the people of Badr and said: Do as you please, I have forgiven you. (The words in the last sentence are different in different traditions. In some these are to the effect: I have granted you forgiveness; in some other: I am your forgiver; and in still an other: I will forgive you). Hearing this Umar wept and said: Allah and His Messenger have the best knowledge. This is a resume of those many traditions which Bukhari, Muslim, Ahmad, Abu Daud, Timidhi, Nasai, Ibn Jarir Tabari, Ibn Hisham, Ibn Hibban and Ibn Abi Hatim have related on the authority of several reliable transmitters. The most authentic of these is the tradition which Ali's secretary, Ubaidullah bin Abu Rafi, heard from Ali himself, and from him Ali's grandson, Hasan bin Muhammad bin Hanafiyah, heard and conveyed to the later reporters. In none of these there is any mention that Hatib was pardoned when he presented this excuse. But there is no hint either to show that he was awarded some punishment. That is why the Muslim scholars have concluded that Hatib's excuse was accepted and he was pardoned.

اِنۡ يَّثۡقَفُوۡكُمۡ يَكُوۡنُوۡا لَـكُمۡ اَعۡدَآءً وَّ يَبۡسُطُوۡۤا اِلَيۡكُمۡ اَيۡدِيَهُمۡ وَ اَلۡسِنَتَهُمۡ بِالسُّوۡٓءِ وَ وَدُّوۡا لَوۡ تَكۡفُرُوۡنَ ۲

(60-2) If they could overcome you, they would act as your foes and would hurt you by their hands and tongues, and would love to see you become unbelievers. (2)

(2) Although what has been said up to here, and what follows in this regard, was revealed in connection with the incident relating to Hatib, Allah, instead of dwelling on his case only, has given the believers this lesson forever. It is contrary to the profession of the faith that a person should act, out of any motive or reason, in a way detrimental to the interests of Islam and subservient to the interests of disbelief when a conflict is going on between Islam and disbelief and some people have adopted a hostile attitude towards the Muslims only because they are Muslims. Even if a person be wholly free from any ill-will against Islam and acts thus not with an evil intention but for the sake of a dire personal need, the act anyhow is unbecoming of a believer, and whoever acts thus strays from the right way.

لَنۡ تَنۡفَعَكُمۡ اَرۡحَامُكُمۡ وَلَاۤ اَوۡلَادُكُمۡ ۚ يَوۡمَ الۡقِيٰمَةِ ۚ يَفۡصِلُ بَيۡنَكُمۡ ؕ وَ اللّٰهُ بِمَا تَعۡمَلُوۡنَ بَصِيۡرٌ ۳

(60-3) On the Day of Resurrection neither your blood-kindred nor your own offspring will avail you. (3) (On that Day) He will separate you. (4) Allah sees all that you do. (5)

(3) The allusion is to Hatib. As he had acted thus only in order to ensure that his mother and brother and children remained safe in the event of a war, it is being said: The relations for whose sake you have committed this grave error, will not save you on the Day of Resurrection. No one will dare come forward in the court of Allah and say: Our father, or our son, or our brother had committed this sin for our sake; therefore, we may be punished instead of him. At that time everyone will be worried only about himself, and weighed down with the anxiety of somehow saving himself from the consequences of his own acts, not to speak of being ready to take the burden of another’s sins on him. This thing has been expressed in clearer words at several other places

in the Quran. At one place it has been said: To save oneself from the torment of that Day, the culprit will wish to give his children, his wife, his brother, his kinsfolk, who gave him shelter, and all the people of the earth, in ransom that this device might rescue him. (Surah Al-Maarij, Ayats 11-14). And at another place it is said: On the Day man shall flee from his brother and his mother and his father and his wife and his children. Each one of them, on that Day, shall have enough to occupy him so as to make him heedless of others. (Surah Abasa, Ayats 34-37).

(4) That is, all worldly relations and bonds of love and friendship shall be rendered void in the Hereafter. The people will not be judged as groups and parties and families, but every person will have to present himself as an individual and render his own account only. Therefore, no one in the world should commit a wrong for the sake of a relationship or friendship or fraternity, for he will himself have to face all its consequences, and no one else will become a partner in a matter of his personal responsibility.

(5) The following conclusions are deduced from the details of the case of Hatib, as mentioned above, and the verses which were revealed in this connection:

(1) Whatever the motive of the person, it was in itself an act of espionage, and a very dangerous kind of espionage on a critical occasion. The enemy, who was absolutely unaware, had been informed of the immanent attack from Al-Madinah. Then it was not a case based on suspicion but a letter written by the concerned person himself had been intercepted, after which no other proof of the guilt was required. These were not peace but war time conditions; yet the Prophet (peace be upon him) did not place Hatib in confinement without giving him a chance of self defense. This option was also not given to him in private but publicly before the people. This makes it manifest that there is no room in Islam for such laws and regulations under which the ruler may have the right in any case to imprison a person only on the basis of his own knowledge or suspicion. Islam also does not recognize the method of trying a person secretly in secret.

(2) Hatib was not only one of the emigrants but also a participant in the Battle of Badr, and enjoyed a distinguished place among the companions. But despite this a serious crime happened to be committed by him and Allah took him to task for this in the Quran as is evident from the above verses. In the Hadith too, his case has been narrated in detail and also among the commentators there may be none who has not made a reference to it. These are some of the evidences which prove that the companions were not innocent. They also could commit errors because of human weaknesses, and errors happened to be committed by them practically. The teaching of regarding them with respect and reverence that Allah and His Messenger (peace be upon him) have given, does not at all require that if one of them happened to commit an error, it should not be mentioned, for evidently, if this were their demand, neither would Allah have mentioned them in His Book, nor the companions and their successors and the traditionists and the commentators would have related their details in their traditions and books.

(3) The view that Umar expressed in the case of Hatib concerned the apparent aspect of the act. His reasoning was that the act was clearly in the nature of treachery to Allah and His Messenger (peace be upon him) and the Muslims. Therefore, Hatib was a hypocrite and deserved to be put to death. But the Prophet (peace be upon him) rejected his viewpoint and explained the viewpoint of the Islamic Shariah, saying: Decision should not be given only on the outward form of the act but it should also be seen what evidence is given by the past life and general character of the person, who happens to commit the act and the circumstances under which he commits it. The act, no doubt, smacked of espionage but did the attitude of the person concerned towards Islam and the followers of Islam until then indicate that he could do such a thing with the intention of treachery to Allah and His Messenger (peace be upon him) and the Muslims. He was one of those who had emigrated for the sake of the faith. Could he have made such a sacrifice without sincerity? He fought in a critical battle like Badr for the sake of his faith when the Muslims were facing an enemy much better equipped and three times their number. Could the sincerity of

such a person be doubted or could it be believed that he had the slightest inclination towards the Quraish. He was telling the plain truth that his family at Makkah did not enjoy the protection of any tribe or clan, which the families of the other emigrants enjoyed; therefore, he acted thus during war time only in order to safeguard his children from the persecution of the disbelievers. The facts confirmed that he did not really belong to any tribe at Makkah and this too was known that his family members were still back at Makkah. Therefore, there was no reason why his statement should be taken as false and the opinion formed that his real motive was not this but the intention of treachery. No doubt, for a sincere Muslim even with a good intention it was not lawful that he should inform the enemy of the military plans of the Muslims only for the sake of his personal interests, yet there is a great difference between the error of a sincere Muslim and the treachery of a hypocrite. Both cannot be awarded the same punishment only on the basis of the similarity between their acts. This was the Prophet's (peace be upon him) decision in this case, and Allah confirmed it in the verses of Surah Al- Mumtahinah. A careful study of the above three verses will show that in these Allah has certainly reprimanded Hatib, but it is a kind of a reprimand administered to a believer and not the one administered to a hypocrite. Moreover, no penalty, or physical punishment was awarded to him, but he was administered a severe rebuke publicly and let off, which meant that in a Muslim society even a blot on the honor of a guilty believer and his falling into disrepute was also a very severe punishment.

(4) About the great merit of those companions who fought at Badr, the Prophet (peace be upon him) said: You may not know Allah might have looked favorably at the people of Badr and said: Do as you please, I have forgiven you. This does not mean that the companions of Badr were forgiven each and every sin and they were at liberty to commit whatever sin and crime they pleased, for forgiveness had already been guaranteed to them. This was neither meant by the Prophet (peace be upon him) nor the companions ever understood it in this meaning, nor any companion of Badr after hearing this good news ever thought that he was free to commit any sin, nor ever any rule was made

on the basis of this in the Islamic Shariah that if a companion of Badr happened to commit a sin, he should not be given any punishment for it. As a matter of fact, if one considers the circumstances under which this was said and the words that the Prophet (peace be upon him) used on this occasion carefully, one can clearly understand the meaning to be this: It would not be anything impossible if in view of the great and meritorious services that the companions rendered at Badr out of sincerity and devotion and at the very risk of their lives for the sake of Allah and His religion, Allah might have forgiven all their former and latter sins mercifully. Therefore, you should not suspect such a companion of treachery and hypocrisy, and should accept the excuse that he himself was presenting for his crime.

(5) From the Quran and the Prophet's (peace be upon him) sayings it also becomes evident that a Muslim's being involved in espionage for the disbelievers by itself is not a sufficient basis for the conclusion that he has become an apostate, or is devoid of the faith, or is a hypocrite. For reaching such a conclusion if there are some other circumstances and evidences, it would be a different thing; otherwise by itself this act is only a crime, not a sign of disbelief.

(6) From these verses of the Quran it also becomes evident that for a Muslim it is in no case permissible that he should spy for the disbelievers, no matter how gravely his own life and property, or that of his near and dear ones, might be endangered.

(7) When Umar asked for the Prophet's (peace be upon him) permission to put Hatib to death for the crime of espionage, the Prophet (peace be upon him) did not say that the crime was not punishable with death, but declined permission on the ground that Hatib's being a companion of Badr was an express proof of his being sincere, and the statement given by him was correct that be had acted thus not out of any good wishes for the enemies but for the sake of safeguarding his family from any possible persecution to death. From this, one section of the jurists has argued that the general law in respect of a Muslim spy is that

he should be put to death, unless there are very weighty reasons for awarding him a lesser punishment or a mere reprimand. But the jurists have disputed this question. Imam Shafei and some other jurists hold the view that the Muslim spy is punishable, but not with death. Imam Abu Hanifah and Imam Auzai maintain that he will be subjected to corporal punishment and long imprisonment. Imam Malik says that he will be put to death, but the Maliki jurists hold different views on this question. Ashhab says that the Muslim ruler has vast powers in this matter. He can exercise his judgment keeping in view the circumstances of the crime and the culprit and award him any punishment. A saying of Imam Malik and Ibn al-Qasim also is to the same effect. Ibn al Majishun and Abdul Malik bin Habib say that if the culprit is a habitual spy, he should be put to death. Ibn Wahb says that the punishment of the spy is death, but if he repents of spying, he may be pardoned. Sahnun says that one cannot know whether his repentance is genuine or deceptive; therefore, he should be put to death. There is also a saying of Ibn al-Qasim in support of this. And Asbagh says that the belligerent spy is punishable with death, but the Muslim or dhimmi spy should be given corporal punishment instead of the death sentence, unless he be helping the enemies openly as against the Muslims. (Ibn al-Arabi, Ahkam al-Quran; Umdat al-Qari; Fath al- Bari.)

(8) The Hadith that has been cited above also permits that for the investigation of the crime not only the male but the female accused can also be stripped if so required. Although Ali, Zubair and Miqdad had not stripped the woman, yet they had threatened her that if she did not produce the letter, they would strip and search her. Obviously, if it were not lawful, the three illustrious companions could not have threatened her thus. And one can understand that they must have reported the story of their expedition on their return to the Prophet (peace be upon him). Had he expressed his displeasure, it must have been reported. That is why the jurists have held it as permissible. (Umdat al-Qari).

قَدۡ كَانَتۡ لَكُمۡ اُسۡوَةٌ حَسَنَةٌ فِىۡۤ اِبۡرٰهِيۡمَ وَالَّذِيۡنَ مَعَهٗ ۚ اِذۡ قَالُوۡا لِقَوۡمِهِمۡ اِنَّا بُرَءٰٓؤُا مِنۡكُمۡ وَ
مِمَّا تَعۡبُدُوۡنَ مِنۡ دُوۡنِ اللّٰهِ ۖ كَفَرۡنَا بِكُمۡ وَبَدَا بَيۡنَنَا وَبَيۡنَكُمُ الۡعَدَاوَةُ

ا لۡبۡ هٰٓـَٔ اَبَدًا حَتّٰی تُ ؤۡمُنُوا بِاللّٰہِ وَ حۡدَہٗۤ اِلَّا قَ لَ اِ بۡرٰهِیۡمَ لِاَبِ یۡہِ لَاَسۡتَغۡفِرَنَّ لَکَ وَ مَا اَ مۡلِکُ
لَکَ مِنَ اللّٰہِ مِ ۡ شَیۡءٍ ؕ رَبَّنَا عَلَیۡکَ تَوَکَّلۡنَا وَ اِلَیۡکَ اَنَبۡنَا وَ اِلَیۡکَ الۡ مَصِیۡرُ ۴

(60-4) You have a good example in Abraham and his companions: they said to their people: “We totally dissociate ourselves from you, and from the deities that you worship instead of Allah. We renounce you (6) and there has come to be enmity and hatred between us and you until you believe in Allah, the One True God.” (But you may not emulate) Abraham's saying to his father: “Certainly I will ask pardon for you, although I have no power over Allah to obtain anything on your behalf.” (7) (And Abraham and his companions prayed): “Our Lord, in You have we put our trust, and to You have we turned, and to You is our ultimate return.

(6) That is, we reject you. We neither consider you to be in the right nor your religion. The inevitable demand of the faith in Allah is denial of taghut (Satan): Whoever rejects taghut and believes in Allah has taken a firm support that never gives way. (Surah Al-Baqarah, Ayat 256).

(7) In other words, it means: Though there is an excellent example for you in Abraham’s (peace be upon him) conduct in that he expressed disapproval of his pagan people and broke off all connections with them, yet his promise to pray for the forgiveness of his pagan father and then carrying it out practically is not worth following, for the believers should not have even this much relationship of love and sympathy with the disbelievers. In (Surah At-Taubah, Ayat 113), Allah has clearly warned: It does not behoove the Prophet (peace be upon him) and those who have believed that they should pray for the forgiveness of the polytheists even though they be near kinsmen. Thus, no Muslim is allowed to pray for the forgiveness of his unbelieving kinsmen on the basis of the argument that the Prophet Abraham (peace be upon him) had done so. As for the question, why did the Prophet Abraham (peace be upon him) pray thus, and did he carry out his promise practically. The answer has been provided by the Quran in full detail. When his father expelled him from the house, he had said on his departure: I bid you farewell: I will pray to my Lord for your forgiveness.(Surah Maryam, Ayat 47). On the basis of this very

promise he prayed for him twice. One prayer is contained in (Surah Ibrahim, Ayat 41): Lord, forgive me and my parents and the believers on the Day when reckoning will be hold. And the second prayer is in (Surah Ash-Shuara, Ayat 86): Forgive my father, for indeed he is from among those who have strayed and do not disgrace me on the Day when the people will be raised back to life. But afterwards when he realized that the father for whose forgiveness he was praying, wan an enemy of Allah, he excused himself from it and broke off even this relationship of love and sympathy with him.

As regards to the prayer of Abraham for his father, it was only to fulfill a promise he bad made to him, but when he realized that he was an enemy of Allah, he disowned him. The fact is that Abraham was a tender-hearted, God fearing and forbearing man. (Surah At-Taubah, Ayat 114).

A study of these verses makes the principle manifest that only that act of the prophet is worthy of following, which they persistently practiced till the end. As regards to those acts which they themselves gave up or which Allah restrained them from practicing or which were forbidden in the divine Shariah, they are not worth following, and no one showed follow such acts of theirs on the basis of the argument that that was such and such a prophet’s practice.

Here also another question arises which may create confusion in some minds. In the verse under discussion, the saying of the Abraham (peace be upon him), which Allah has declared as not worth following, has two parts. The first part is that he said to his father: I will pray for your forgiveness, and the second: I have no power to get anything for you from Allah. Of these the first thing of not being a worthy examples to be followed is understandable, but, what is wrong with the second thing that that too has been made an exception from being an example worthily of imitation, whereas it by itself is a truth? The answer is that the saying of the Abraham (peace be upon him) has been included in the exception for the reason that when a person after making a promise with another to do something, says that it is not in his power to do anything beyond that for him,

it automatically gives the meaning that if it were in his power to do anything further for him, he would have done that too for his sake. This makes his relationship of sympathy with the other person even more manifest. On that very basis this second part of the saying of the Prophet Abraham (peace be upon him) also deserved to be included in the exception, although its subject was true in so far as it does not lie even in the power of a Prophet to have a person forgiven by Allah. Allama Alusi in his Ruhal-Maani has also given this same answer to this question.

رَبَّنَا لَا تَجۡعَلۡنَا فِتۡنَةً لِّلَّذِيۡنَ كَفَرُوۡا وَاغۡفِرۡ لَنَا رَبَّنَا اِنَّكَ اَنۡتَ الۡعَزِيۡزُ الۡحَكِيۡمُ ۵

(60-5) Our Lord, do not make us a test for the unbelievers, (8) and forgive us, our Lord. Surely You are Most Mighty, Most Wise."

(8) There are several ways in which the believers can become a cause of trial for the disbelievers, for which every believer should seek Allah's refuge. For example:

(1) The disbelievers may gain upper hand over them and consider it a proof of their being in the right and the believers being in the wrong.

(2) The persecution of the believers by the disbelievers may become unbearable with the result that they may yield to them and abandon their faith and moral values. This would subject the believers to public ridicule and would provide the disbelievers with an opportunity to humiliate and debase them and their religion.

(3) In spite of being the standard-bearers of the true faith the believers may lose their moral superiority that should accrue to them as believers. And the people may see the same defects and deficiencies in their character as are commonly found in an un-Islamic community. This would give the disbelievers an opportunity to say that the faith of the believers was in no way superior to their disbelief. (For further details see(E.N. 83 of Surah Yunus).

لَقَدۡ كَانَ لَكُمۡ فِيهِمۡ أُسۡوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرۡجُواْ ٱللَّهَ وَٱلۡيَوۡمَ ٱلۡأٓخِرَۚ وَمَن يَتَوَلَّ فَإِنَّ ٱللَّهَ هُوَ ٱلۡغَنِيُّ ٱلۡحَمِيدُ ٦

(60-6) Indeed there is a good example for you in them; a good example for anyone who looks forward to Allah and the Last Day. (9) As for him who turns away, Allah is All-Sufficient, Immensely Praiseworthy. (10)

(9) Who is hopeful of Allah and the Last Day: Who expects that one Day he will have to present himself before Allah and is hopeful that Allah will treat him benevolently and help him attain to success in the Hereafter.

(10) That is, Allah has no need of such believers, who profess to believe in His religion as well as maintain friendly relations with His enemies. He is Self Sufficient: His Godhead does not require that they should acknowledge Him as God. He is Self-Praiseworthy, i.e. His being praiseworthy is not dependent on the people's praising and glorifying Him. If they affirm the faith, they do so not for any good of Allah, but for their own good. And they cannot gain anything from their affirmation of the faith until they break off all connections of love and friendship with the enemies of Allah as the Prophet Abraham (peace be upon him) and his companions did.

عَسَى ٱللَّهُ أَن يَجۡعَلَ بَيۡنَكُمۡ وَبَيۡنَ ٱلَّذِينَ عَادَيۡتُم مِّنۡهُم مَّوَدَّةٗۚ وَٱللَّهُ قَدِيرٞۚ وَٱللَّهُ غَفُورٞ رَّحِيمٞ ٧

(60-7) It may well be that Allah will implant love between you and those with whom you have had enmity. (11) Allah is Most Powerful; and Allah is Most Forgiving, Most Compassionate.

(11) Although the true believers were following the exhortation to sever their connections with the unbelieving kinsmen patiently, yet Allah knew how hard it was to break off one’s connections with his parents, brothers and sisters and near relations. Therefore, Allah consoled them with the hope that a time would soon come when their same relations would become Muslims and their today’s enmity would again change into love tomorrow.

When this thing was said no one could understand how this would happen. But hardly a few weeks had passed after the revelation of these verses when Makkah fell and the people of Quraish began to enter Islam in large numbers, and the Muslims witnessed with their own eyes how the hope they were given materialized.

لَا يَنۡهٰىكُمُ اللّٰهُ عَنِ الَّذِيۡنَ لَمۡ يُقَاتِلُوۡكُمۡ فِى الدِّيۡنِ وَلَمۡ يُخۡرِجُوۡكُمۡ
مِّنۡ دِيَارِكُمۡ اَنۡ تَبَرُّوۡهُمۡ وَتُقۡسِطُوۡۤا اِلَيۡهِمۡ ؕ اِنَّ اللّٰهَ يُحِبُّ الۡمُقۡسِطِيۡنَ ۸

(60-8) Allah does not forbid that you be kind and just to those who did not fight against you on account of religion, nor drove you out of your homes. Surely Allah loves those who are equitable. (12)

(12) Here a doubt may arise in the minds. It is all right to treat the disbelievers, who are not hostile, kindly, but should only they be treated unjustly? And should the disbelievers, who arc hostile, be treated unjustly? The answer is that in this context, the word justice, in fact, has been used in a special sense. It means: Justice demands that you should not be hostile to those who are not hostile to you, for it is not justice to treat the enemy and the non-enemy alike. You have every right to adopt a stern attitude towards those who persecuted you for embracing Islam and compelled you to leave your homes and pursued you even after your expulsion. But as for those who were not partners in persecuting you, you should treat them well and should fulfill the right they have on you because of blood and other relationships.

اِنَّمَا يَنۡهٰىكُمُ اللّٰهُ عَنِ الَّذِيۡنَ قٰتَلُوۡكُمۡ فِى الدِّيۡنِ وَاَخۡرَجُوۡكُمۡ مِّنۡ دِيَارِكُمۡ وَظٰهَرُوۡا عَلٰۤى
اِخۡرَاجِكُمۡ اَنۡ تَوَلَّوۡهُمۡ ۚ وَمَنۡ يَّتَوَلَّهُمۡ فَاُولٰٓئِكَ هُمُ الظّٰلِمُوۡنَ ۹

(60-9) Allah only forbids you to be friends with those who have fought against you on account of religion and who have driven you out of your homes and have abetted in your expulsion. And any who make friends with them, they are the wrong-doers. (13)

(13) The instructions to sever relations with the disbelievers given in the preceding verses, could cause the people the

misunderstanding that this was because of their being the disbelievers. Therefore, in these verses it has been made clear that its real cause is not their disbelief but their hostility to Islam and their tyrannical treatment of the followers of Islam. The Muslims, therefore, should distinguish between the hostile disbeliever and the nonhostile disbeliever, and should treat those disbelievers well who have never treated them with evil. Its best explanation is the incident that took place between Asma, daughter of Abu Bakr, and her disbelieving mother. A wife of Abu Bakr's was Qutaylah bint Abdul Uzza, who was a disbeliever and had remained behind in Makkah after the migration. Asma had been born of her. After the peace treaty of Hudaibiyah when the traffic opened between Makkah and Madinah, she came to Al-Madinah to see her daughter and also brought some gifts. Asma herself has related that she went to the Prophet (peace be upon him) and asked: Should I see my mother. And can I treat her as a daughter should treat her mother. The Prophet (peace be upon him) replied: Yes, treat her as your mother. (Musnad Ahmad, Bukhari, Muslim). Asma's son, Abdullah bin Zubair, has given further details of this incident. He says that Asma in the beginning had refused to see her mother. Then, when she received Allah and His Messenger's permission she met her. (Musnad Ahmad, Ibn Jarir, Ibn Abi Hatim). This by itself leads to the conclusion that a Muslim's serving his unbelieving parents and his helping his unbelieving brothers and sisters and relatives is permissible when they are not hostile to Islam. Likewise, one can also spend his charities on the indigent among the dhimmis. (Al-Jassas, Ahkam al-Quran; Ruh al-Maani).

يٰۤاَيُّهَا الَّذِيۡنَ اٰمَنُوۡۤا اِذَا جَآءَكُمُ الۡمُؤۡمِنٰتُ مُهٰجِرٰتٍ فَامۡتَحِنُوۡهُنَّ ؕ اَللّٰهُ اَعۡلَمُ بِاِيۡمَانِهِنَّ ۚ فَاِنۡ عَلِمۡتُمُوۡهُنَّ مُؤۡمِنٰتٍ فَلَا تَرۡجِعُوۡهُنَّ اِلَى الۡكُفَّارِ ؕ لَا هُنَّ حِلٌّ لَّهُمۡ وَلَا هُمۡ يَحِلُّوۡنَ لَهُنَّ ؕ وَاٰتُوۡهُمۡ مَّاۤ اَنۡفَقُوۡا ؕ وَلَا جُنَاحَ عَلَيۡكُمۡ اَنۡ تَنۡكِحُوۡهُنَّ اِذَاۤ اٰتَيۡتُمُوۡهُنَّ اُجُوۡرَهُنَّ ؕ وَلَا تُمۡسِكُوۡا بِعِصَمِ الۡكَوَافِرِ وَسۡـَٔـلُوۡا مَاۤ اَنۡفَقۡتُمۡ وَلۡيَسۡـَٔـلُوۡا مَاۤ اَنۡفَقُوۡا ؕ ذٰلِكُمۡ حُكۡمُ اللّٰهِ ؕ يَحۡكُمُ بَيۡنَكُمۡ ؕ وَاللّٰهُ عَلِيۡمٌ حَكِيۡمٌ ۝١٠

(60-10) Believers, when believing women come to you as Emigrants (in the cause of faith), examine them. Allah fully knows (the truth) concerning their faith. And when you have ascertained them to be believing women, do not send them back to the

unbelievers. (14) Those women are no longer lawful to the unbelievers, nor are those unbelievers lawful to those (believing) women. Give their unbelieving husbands whatever they have spent (as bridal-dues); and there is no offence for you to marry those women if you give them their bridal-dues. (15) Do not hold on to your marriages with unbelieving women: ask for the return of the bridal-due you gave to your unbelieving wives and the unbelievers may ask for the return of the bridal-due they had given to their believing wives. (16) Such is Allah's command. He judges between you. Allah is All-Knowing, Most Wise.

(14) The background of this injunction is that after the peace treaty of Hudaibiyah, in the beginning, the Muslim men started fleeing Makkah, while arriving at Al-Madinah they were sent back according to the terms of the treaty. Then the Muslim women started arriving and first of all, Umm Kulthum Uqbah bin Abi Muait emigrated to Al-Madinah, The disbelievers invoked the treaty and demanded return, and two brothers of Umm Kulthum, Walid bin Uqbah and Amarah bin Uqbah, came to Al- Madinah to take her back. At this the question arose whether the treaty of Hudaibiyah applied to the women as well. Allah has answered this very question here, saying: If they are Muslims, and it is ascertained that they have emigrated only for the sake of the faith and for no other motive, they are not to be returned.

Here, a complication has arisen on account of the narration of the Hadith from the viewpoint of the meaning and content, and it must be resolved. The traditions that are found in the Ahadith about the conditions of the treaty of Hudaibiyah are mostly traditions narrated from the viewpoint of the meaning and purport. About the condition under discussion the words in the different traditions are different. In some the words are to the effect: Whoever reaches us from you, we will not return him, but whoever reaches you from us, you shall return. In some others the words are to the effect: Whoever of his companions comes to the Messenger (peace be upon him) of Allah without the permission of his guardian, he will send him back. And in still another, the words are: Whoever, from the Quraish goes to Muhammad (peace be upon him) without the permission of his

guardian, he will return him to Quraish. The style of these traditions by itself shows that this condition of the treaty has not been reported in the actual words of the treaty, but the reporters have reported its purport in their own words. But since most of the traditions are of the same nature, the commentators and traditionists generally have understood that the treaty was general, which applied to both men and women, and the women too were to be returned according to it. Later, when this injunction of the Quran that the believing women were not to be returned, came to their knowledge, they interpreted it to mean that Allah in this verse had decided to break the treaty in so far as it related to the believing women. But this was not an ordinary thing which should be accepted so easily. If the treaty was general, without any exception in respect of men and women, it could not be lawful for one party to amend it unilaterally and change a part of it by itself. And even if such a thing happened, it is strange that the Quraish did not protest against it, whereas they remained on the lookout for an opportunity to raise objections against everything that the Prophet (peace be upon him) and the Muslims did. Had they found that the Prophet had committed a breach of the treaty conditions, they would have raised a loud clamor. But we do not find any trace of it in any tradition that they took an exception to this ruling of the Quran. Had this question been carefully considered the problem could have been resolved by reference to the actual words of the treaty. But many people paid no attention to it. If some scholars (e.g. Qadi Abu Bakr Ibn al-Arabi) did pay any attention, they did not hesitate to say that the reason why the Quraish did not raise any objection was that Allah had miraculously scaled their mouths in this matter. It is strange how these scholars felt satisfied at this explanation.

The fact of the matter is that this condition of the peace treaty had been proposed by the disbelieving Quraish, and not by the Muslims, and the words that Suhail bin Amr, their representative, had gotten included in the treaty were: And that whichever man (rajul) come to you from us, even if he be on your religion, you will return him to us. These words of the treaty have been reproduced in Bukhari (Kitab ash-Shurut: Bab ash-Shurut fil-

Jihad wal- Masalahah) through authentic channels. It may be that Suhail used the word rajul in the meaning of a person, but this might be the meaning he had in his mind. The word written in the treaty was rajul, which is used for a full-grown man in Arabic. That is why when the brothers of Umm Kulthum bint Uqbah came to the Prophet (peace be upon him) and demanded her return, (according to Imam Zuhri's tradition), Holy Prophet (peace be upon him) refused to return her, saying: The condition was about the men, not the women. (Ibn al-Arabi, Ahkam al-Quran; Loam Razi, Tafsir Kabir) Until then the people of Quraish themselves were under the delusion that the treaty applied to all kinds of emigrants, men or women; But when the Prophet (peace be upon him) drew their attention to these words of the treaty, they were struck dumb and had to accept this decision.

According to this condition of the treaty the Muslims had the right to decline return of any woman who emigrated from Makkah to Al-Madinah for any reason whatsoever. But Islam was interested only in safeguarding the believing women and not to make the holy city of Al-Madinah a place of refuge for every kind of female fugitive. Therefore, Allah enjoined: Ascertain by examination the faith of the women who emigrated to you and profess to have believed; and when it is fully ascertained that they have emigrated with genuine faith, and no other motive, do not return them. Thus, the procedure adopted for carrying out this command was that the women who emigrated were questioned whether they believed in the oneness of Allah and the Prophethood of Muhammad (peace be upon him) and had emigrated only for the sake of Allah and His Messenger (peace be upon him), and not out of any worldly consideration, e.g. hatred of the husband, or love of somebody in Al-Madinah, or some other worldly motive. Only those women who gave satisfactory answers to these questions were allowed to stay, others were sent back. (Ibn Jarir on the authority of Iba Abbas, Qatadah, Mujahid, Ikrimah, Ibn Zaid).

In this verse a basic principle of the law of evidence has also been stated and its further clarification has been made by

the procedure that the Prophet (peace be upon him) had prescribed for implementing it, The verse enjoins three things:

(1) Examine the faith of the emigrating women who present themselves as believers.
(2) Allah alone knows the truth about their faith; the Muslims have no means to find out whether they have really believed or not.
(3) When it has been ascertained that they are believers, they are not to be returned.

Then, in accordance with this injunction, the method that the Prophet (peace be upon him) prescribed for examining and ascertaining the faith of the women was that the statement given by them on oath should be relied on and it should be made sure after necessary examination that they had no other motive of emigration than the faith. First, it gives the principle that for taking decision on different matters it is not necessary for the court to have direct knowledge of the truth; for the court only that knowledge is sufficient which is obtained through evidence. Second, the statement given by a person on oath will be regarded as reliable until it is proved to be false by a clear evidence. Third, whatever declaration a person himself may make about his creed and faith, will be accepted and no search will be made into finding out, whether what he states actually constitutes his faith or not, unless there is a clear indication to the contrary. And fourth, in the personal affairs of a person, which no one else can know, his own statement will be trusted. e.g. in the matters of divorce and the waiting period (iddat) the woman's own statement about her menstrual course and state of purity will be regarded as reliable, whether it is true or false. According to these very rules, in the science of the Hadith also, those traditions will be accepted, the apparent state of whose reporters testifies to their being righteous, unless, of course, there are other circumstances which forbid the acceptance of a particular tradition.

(15) This means that, a Muslim who wants to marry any of these women should pay a fresh dower and marry her. The

dowers to he repaid to their unbelieving husbands will not be considered their dowers.

(16) Four very important injunctions have been laid down in these verses, which relate both to the family law of Islam and to the international law.

First, that the woman who becomes a Muslim is no longer lawful for her unbelieving husband nor her unbelieving husband is lawful for her.

Second, that the marriage of the married woman who becomes a Muslim and emigrates from the abode of disbelief (dar al-kufr) to the abode of Islam (dar al-Islam) is automatically annulled, and any Muslim who likes can marry her after paying her dower.

Third, that it is not lawful for a man who becomes a Muslim to retain his wife in wedlock if she likes to remain an infidel.

Fourth, that if there exist relations of peace between the abode of disbelief and the abode of Islam, the Islamic government should try to settle the question of the return of dowers with the non-Muslim government, thus: The dowers of the married women of the disbelievers, who become Muslims and emigrate to the abode of Islam, should be returned by the Muslims, and the dowers of the unbelieving married women of the Muslims who are left behind in the abode of disbelief, should be taken back from the disbelievers.

The historical background of these injunctions is as follows:

In the beginning of Islam, there were many such men, who accepted Islam but their wives did not become Muslim, and there were many such women who became Muslim but their husbands did not accept Islam. Abul Aas, the husband of Zainab, a daughter of the Prophet (peace be upon him), was a non-Muslim and he remained non-Muslim for several years. In the early period no command had been given to the effect that the pagan husband was unlawful for the Muslim wife and the pagan wife was unlawful for the Muslim husband. Therefore, the marital relations continued to exist between them. Even after the migration for

several years, it so happened that many women became Muslim and emigrated to Al-Madinah while their pagan husbands remained in the abode of disbelief. Likewise, many Muslim men emigrated and their pagan wives were left in the abode of disbelief. But in spite of this their marriage continued. This was creating complications for the women in particular, for the men could marry other women, but this was not possible for the women. Until their marriage with their previous husbands was dissolved, they could not remarry. After the peace treaty of Hudaibiyah when these verses came down, they annulled the previous marriage between the Muslims and the pagans, and laid down an absolute and clear law for guidance in future. The jurists of Islam have codified this law under four major titles:

First, the case when both the man and the wife are in the abode of Islam and one of them becomes a Muslim and the other remains an infidel.

Second, the case when both the man and the wife are in the abode of disbelief, and one of them becomes a Muslim and the other remains an infidel.

Third, the case when one of the spouses becomes a Muslim and emigrates to the abode of Islam and the other remains an infidel in the abode of disbelief.

Fourth, the case when either of the Muslim spouses becomes an apostate.

Below we give the viewpoints of the jurists with regard to all the four cases separately:

(1) In the first case, if the husband has accepted Islam and his wife is a Christian or a Jewess, and she remains faithful to her religion, their marriage will endure, for it is permissible for a Muslim to have a wife who is a follower of the earlier scriptures. This is agreed upon by all jurists.

And if the wife of the man who has accepted Islam, is not a follower of the earlier Books, and she adheres to her faith, the Hanafis say that Islam will be presented before her; if she accepts it, the marriage will endure; if she refuses to accept it, separation will be effected between them. In this case, if consummation between them had taken place, the woman will be entitled to the dower; if there was no consummation, she will not be entitled to

any dower, for separation has been caused because of her refusal. (Al- Mabsut; Hedayah; Fath al-Qadir). Imam Shafei and Imam Ahmad say that if the spouses did not have consummation, the woman would be outside wedlock as soon as the man accepted Islam, and if consummation had taken place; the woman will remain in wedlock till three menstruations. During this period if she accepts Islam of her own free will, the marriage will continue, otherwise it will become void automatically as soon as she is free from her third menstrual course. Imam Shafei also adds that it is not right to present Islam before the woman on the basis of the pledge of non-interference in religion that the dhimmis have been given by the Muslims. But this, in fact, is a weak argument; for it would be interference in the dhimmi woman's religion if she was compelled to accept Islam. It is no interference to tell her that if she accepted Islam, she would continue to be her husband's wife, otherwise she would be separated from him. In Ali's time there has been a precedent of this nature. An Iraqi landowner who was a Majusi by religion accepted Islam and his wife remained an unbeliever, Ali presented Islam before her, and when she refused to accept it, he effected separation between them. (Al-Mabsut). Imam Malik says that if consummation has not taken place, the unbelieving wife would forthwith cease to be the wife as soon as the man embraced Islam, and if consummation has taken place, Islam would be presented before the woman, and in case she refuses to accept it, separation will result. (Ibn Qudamah, Al-Mughni).

And if Islam has been accepted by the woman and the man remains an infidel, whether he is a follower of an earlier scripture or a non-follower, the Hanafis say that Islam will be presented before the husband whether consummation between them has taken place or not. If he accepts it, the woman will continue to be his wife; if he rejects it, the qadi will effect separation between them. So long as the man does not refuse to accept Islam, the woman will remain his wife, but he will not have the right to have sexual relations with her. In case the husband refuses, separation will become effective just like an irrevocable divorce. If consummation has not taken place before this, the woman will be entitled to half the dower, and if it has taken place,

the woman will be entitled to full dower as well as maintenance during the waiting period (iddat). (AI-Mabsut; Hedayah; Fath at-Qadir). According to Imam Shafei, marriage will dissolve as soon as the woman accepted Islam in case consummation has not taken place, and in case it has taken place, the woman will continue to be the man's wife till the end of the waiting period. If in the mean-time he accepts Islam, marriage will remain valid, otherwise separation will take place as soon as the waiting period comes to an end. But in the case of the man, Imam Shafei has also expressed the same opinion as he has expressed about the woman as cited above. That is, it is not right to present Islam before him. But this is a weak opinion. In the time of Umar, on several occasions, the woman accepted Islam and the man was invited to Islam; when he refused to accept it, separation was effected between the spouses. There is, for examples the case of the wife of a Christian of the Bani Taghlib, which was brought before him. Umar said to the man: Accept Islam, otherwise I will effect separation between you two. He declined, and the Caliph enforced the decree. The case of a newly converted lady of Bahz al-Malik was sent to him. In her case too he ordered that Islam be presented before her husband; if he accepts it well and good, otherwise separation be effected between them. These incidents had happened in front of the companions and no dispute or difference of opinion has been reported. (AI-Jassas, Ahkam al-Quran; Al Mabsut; Fath al-Qadir). Imam Malik's opinion in this connection is that if the woman becomes a Muslim before the consummation of marriage Islam should be presented before the husband; if he accepts it, well and good; otherwise separation should be effected forthwith. And if consummation has taken place, and the woman has accepted Islam afterwards, she will have to wait till the end of the waiting period. If the husband accepts Islam in the meantime, marriage will continue otherwise separation will take place as soon as the waiting period expires. A saying of Imam Ahmad is in support of Imam Shafei. His other saying is to the effect that the event of the difference of religion between the spouses will in any case lead to immediate separation, whether consummation between them has taken place or not. (Al-Mughni).

(2) If in dar al-kufr (abode of disbelief) the woman becomes a Muslim and the man remains an infidel, or the man becomes a Muslim and the wife (who neither is Christian nor Jew but is follower of a non-revealed religion) remains an infidel, the Hanafi viewpoint is that separation will not take place, whether consummation between them has taken place or not, until the woman completes three menstrual courses, or until she passes three months in case she is non-menstruating. If in the meantime the other spouse is also converted, marriage will remain valid, otherwise separation will take place on the expiry of the term. Imam Shafei, in this case also, distinguishes between the occurrence of consummation and its non-occurrence. He maintains that if there was no consummation, separation would occur immediately on the event of the difference of religion between the spouses. And if the difference of religion has occurred after the consummation, marriage will continue valid until the end of the waiting period. If in the meantime the other spouse does not accept Islam, marriage will dissolve as soon as the waiting period comes to an end. (Al Mabsut, Fath al-Qadir, Al-Jassas Ahkam al-Quran).
In case where along with the difference of religion between the spouses the separation of abode also takes place, i.e. one of them remains an infidel in daral-kufr (the non-Muslim state) and the other emigrates to dar al-lslam (the Islamic state), the Hanafi viewpoint is that marriage between them will automatically dissolve. If the emigrant is the woman, she has the right to remarry immediately; she does not have to observe any waiting period. However, her husband will have to abstain from sexual intercourse until after she has discharged the menses once; and if she is pregnant, even then marriage can be contracted, but the husband must abstain from cohabitation until after the delivery. Imam Muhammad and Imam Abu Yusuf have differed from Imam Abu Hanifah in this. They say that the woman has to observe the waiting period; and if she is pregnant, she cannot contract marriage before the delivery. (Al-Mabsut; Hedayah; Al-Jassas, Ahkam al-Quran). Imam Shafei, Imam Ahmad and Imam Malik maintain that the separation of abode has nothing to do with this, for the real thing is only the difference of religions. If this difference takes place between the spouses, the injunctions to

govern this are the same as those which govern it in case such a difference takes place between the spouses in the Islamic state (Al-Mughni). Imam Shafei along with his above cited opinion has also expressed the view that if the emigrant Muslim woman has emigrated after a quarrel with her infidel husband, with the intention of dissolving his marital right, an immediate separation will take place not on the basis of the separation of abode (ikhtilaf dar) but on the basis of her this intention. (Al-Mabsut Hedayah).

But a careful consideration of the Quranic verse under discussion clearly shows that in this matter the most sound opinion is the one that Imam Abu Hanifah has expressed. Allah has sent down this verse concerning the believing women who emigrated and about them He has said that they are no longer lawful for the pagan husbands whom they have left behind in dar al-kufr, and has allowed the Muslims of the Islamic state to marry them after they have paid them the dowers. On the other hand, the emigrant Muslims have been addressed and enjoined not to keep those of their pagan wives in wedlock, who are left is dar alkufr, and to ask of the disbelievers the dowers that they had given to those women. Obviously, these injunctions do not pertain only to the difference of religion, but it is the difference of abode that has given these injunctions this particular form. If on account of migration the marriages of the Muslim women with their pagan husbands had not become dissolved, how could the Muslims be permitted to marry them. And that too in a way that the permission does not contain any reference to the observance of the waiting period by them. Likewise, if even after the revelation of the command, “and you also should not hold back unbelieving women in marriage” the pagan wives of the Muslim emigrants had continued to be their wives, they also would have been commanded to divorce them. But there is no reference here to this either. No doubt, it is correct that after the revelation of this verse, Umar and Talhah and some other emigrants had divorced their wives, but this is no proof that such a thing was at all necessary, and their severing of the marital relationship with those wives depended on their pronouncing divorce on them, and if they had not pronounced the divorce, the wives would have continued to be their legal wives.

In response to this, three events of the Prophet's (peace be upon him) time are quoted as precedents, which are regarded as a proof that even after the revelation these verses the prophet (peace be upon him), in spite of the separation of abode, allowed the marriage relationship to continue between the believing and the unbelieving spouses. The first event is this, a little before the conquest of Makkah, Abu Sufyan visited the Islamic army at Marr az- Zahran (present Wadi Fatimah) and accepted Islam, and his wife, Hind, remained a pagan in Makkah. Then Hind accepted Islam after the conquest of Makkah, and the Prophet (peace be upon him) ruled that their previous marriage would continue to be valid. The second event is that after the conquest of Makkah, Ikrimah bin Abu Jahl and Hakim bin Hizam fled Makkah and in their absence the wives of both became Muslims. Then they sought the Prophet's protection for their husbands and went and brought them back. Both the men come before the Prophet (peace be upon him) and accepted Islam and in their case too he held their previous marriages as valid. The third event relates to the Prophet's (peace be upon him) own daughter, Zainab, who emigrated to Al-Madinah and her husband, Abul-Aas, was left an infidel in Makkah. About him Musnad Ahmad, Abu Daud, Tirmidhi and Ibn Majah contain a tradition on the authority of Ibn Abbas, saying that he came to Al-Madinah in A.H. 8 and became a Muslim, and the Prophet (peace be upon him) allowed his daughter to continue in marriage with him, without renewal of marriage. But the first two of these events, in fact, do not come under the definition of the difference of abode. For the difference of abode does not mean a person's temporarily leaving one place for another, or his fleeting to another place, but the difference takes place only in case a person emigrates from one place and settles down in another place and the difference of nationality takes place between him and his wife. As for the event relating to Zainab, there are two traditions, one related on the authority of Ibn Abbas, as referred to above, and the other related by Imam Ahmad, Tirmidhi and Ibn Majah on the authority of Abdullah bin Amr bin Aas. In this second tradition it has been stated that the Prophet (peace be upon him) allowed his daughter to continue as the wife of Abul- Aas after renewal of the marriage, and with a fresh dower. Thus, in the first place, this precedent, due to the

difference in reporting, no longer remains a definite argument with those who deny the legal effect of the separation of abode. Secondly, if they insist on the authenticity of Ibn Abbas's tradition, it contradicts their own viewpoint. For, according to their viewpoint, the marriage of the spouses between whom difference of religion takes place and who have consummated their marriage remains valid only until three menstruations. In the meantime if the other party also accepts Islam, the marriage continues to be valid, otherwise it dissolves automatically as soon as the third menstrual course starts. But in the case of Zainab from which they take their argument, the difference of religion between the spouses had taken place several years earlier. Abul Aas had affirmed the faith six years after Zainab's emigration, and at least two years before his conversion to Islam the injunction had been revealed in the Quran, according to which the Muslim woman had been forbidden for the pagans.

(4) The fourth case is of apostasy. Its one form is that both the husband and the wife should become apostates together, and the other that one of them becomes an apostate and the other remains a Muslim. If both the husband and the wife become apostates together, the Shafeis and the Hanbalis say that their marriage contracted in Islam will dissolve immediately if this happened before consummation, and after the lapse of the waiting period if it happened after consummation. On the contrary, the Hanafis hold the view that although according to common sense their marriage should dissolve, yet in the time of Abu Bakr, when thousands of people became apostates, and then again became Muslims, the companions did not direct anyone to renew the marriage; therefore, we accept this unanimous decision of the companions and admit, contrary to common sense, that in case both the husband and the wife become apostates together, their marriages do not dissolve.(Al Mabsut; Hedayah; Fath al-Qadir Al-Fiqh alal-Madhahib al-Arbah).

If the husband becomes an apostate and the wife continues to be Muslim, according to the Hanafis and the Malikis, the marriage will dissolve immediately, whether this happens before consummation or after it. But the Shafeis and the Hanbalis in this connection make a distinction between the two states. If it

happens before consummation, the marriage will dissolved immediately, and if it happens after consummation it will endure till the end of the waiting period, In the meantime if the person returns to Islam, marriage will continue to hold good, otherwise, on the expiry of the waiting period, it will be deemed to have dissolved since he became an apostate. That is, the woman will not have to observe another waiting period afresh. All the four jurists agree that if this happened before consummation, the woman would be entitled to half the dower, and if after consummation to full dower.

And if the woman became an apostate, the old ruling of the Hanafis was that in this case too marriage would dissolve immediately. But later the scholars of Balkh and Samarkand gave the ruling that in case the woman becomes an apostate, separation does not take place immediately; and by this their object was to discourage the women from adopting this course in order to get rid of their husbands. The Malikis verdict is somewhat similar. They say that if circumstances testify that the woman adopted this course only as a pretense to win separation from the husband, separation will not take place. The Shafeis and the Hanbalis say that in case of the woman's turning an apostate too, the law is the same as in case of the husband's turning an apostate. That is, if she became an apostate before consummation, marriage would dissolve immediately and if after consummation, Marriage will endure till the end of the waiting period. If conversion takes place in the meantime marriage will continue to hold good, otherwise it will be deemed to have dissolved since the time of apostasy. There is consensus with regard to the dower. If the woman became an apostate, before consummation she would not be entitled to any dower, and if she adopted apostasy after consummation, she would be entitled to full dower. (Al-Mabsut. Hedayah; Fath al-Qadlr, Al Mughni; Al-Fiqh alal-Madhahib al-Arbah).

وَ لِ فَاتَكُم شَىءٌ مِّن اَ زوَاجِكُم اِلَى ا لكُفَّارِ فَعَاقَ بتُم فَاٰتُوا الَّذِ نَ
ذَ بَ اَت وَازجُ مِّ لُهَم اَ ثقُفُا ٰا وَ اتَّقُوا اللّ الَّذِ اَ ئتُ نِ بِ مُ هِ نُ ؤ١١

(60-11) And if you fail to receive from the unbelievers a part of the bridal-due of your disbelieving wives, and then your turn comes, pay to those who have been left on the other side an amount the like of the bridal-due that they have paid. (17) And have fear of Allah in Whom you believe.

(17) This thing had two alternatives and the verse applies to both. First, with the disbelievers with whom the Muslims had treaty relations, they wanted to settle the matter, thus: We shall return the dowers of the women who have emigrated to us, and you will return the dowers of the pagan wives of our men who have been left on your side. But the disbelievers did not agree to this. However, according to Imam Zuhri, the Muslims, in obedience to the divine command became ready to return the dowers of the women who were left behind with the pagans in Makkah, but the pagans refused to return the dowers of the women who had emigrated to the Muslims in Al-Madinah. Thereupon Allah enjoined that the dowers of the emigrant women, which were to be returned to the pagans, should be collected together in Al-Madinah instead of sending these to pagans; then from these collections disbursements should be made to those to whom the dowers were due from the pagans according to what was due to them.

The second alternative was that there were several converts to Islam, who had emigrated to the abode of Islam from the territories of the disbelievers with whom the Muslims had no treaty relations, leaving their pagan wives behind. Likewise, some women had also become converts and emigrated, leaving their pagan husbands behind. About them it was decreed that the matter should be settled in the abode of Islam itself on the bargain basis. That is, when the dowers were not being returned by the disbelievers, no dowers should be returned to them. Instead, the dower of the woman who had emigrated to the abode of Islam, should be paid to the person whose wife had been left with the disbelievers.

But in case the account could not be settled equitably thus, and the amount of the dower due on behalf of the

disbelieving wives of Muslims, who were left in the abode of disbelief, exceeded the amount of the dowers of the Muslim women who had emigrated, it was enjoined that the deficiency be made up from the spoils that the Muslims took in the wars against the disbelievers. Ibn Abbas has related that the Prophet (peace be upon him) would command that the loss of the person who did not receive his share of the dower be made up from the spoils. (Ibn Jarir). This same view has been adopted by Ata, Mujahid, Zuhri, Masruq Ibrahim Nakhai, Qatadah, Muqatil and Dahhak. All these scholars say, that the people whose dowers are left with the disbelievers, should be paid these from the collective spoils taken from the enemy. That is, before the booty is distributed, the dead dowers of the people should be paid and then the distribution made in which these people too should be given their equal shares along with the other soldiers. Some jurists say that the loss of such people can be made up not only from the spoils but even from the fai properties. But a large section of the scholars does not subscribe to this view.

يٰٓاَيُّهَا النَّبِيُّ اِذَا جَآءَكَ الْمُؤْمِنٰتُ يُبَايِعْنَكَ عَلٰٓى اَنْ لَّا يُشْرِكْنَ بِاللّٰهِ
شَيْـًٔا وَّلَا يَسْرِقْنَ وَلَا يَزْنِيْنَ وَلَا يَقْتُلْنَ اَوْلَادَهُنَّ وَلَا يَاْتِيْنَ بِبُهْتَانٍ يَّفْتَرِيْنَهٗ بَيْنَ اَيْدِيْهِنَّ وَاَرْجُلِهِنَّ وَلَا يَعْصِيْنَكَ فِيْ مَعْرُوْفٍ فَبَايِعْهُنَّ وَاسْتَغْفِرْ لَهُنَّ اللّٰهَ اِنَّ اللّٰهَ غَفُوْرٌ رَّحِيْمٌ ١٢

(60-12) O Prophet, when believing women come to you and pledge [18] to you that they will not associate aught with Allah in His Divinity, that they will not steal, [19] that they will not commit illicit sexual intercourse, that they will not kill their children, [20] that they will not bring forth a calumny between their hands and feet, [21] and that they will not disobey you in anything known to be good, [22] then accept their allegiance [23] and ask Allah to forgive them. Surely Allah is Most Forgiving, Most Compassionate.

(18) As we have explained above, this verse was sent down some time before the conquest of Makkah. After the conquest the Quraish started coming to the Prophet (peace be upon him) in large numbers to take the oath of allegiance. From the men he took the oath himself on Mount Safa. As for the women he appointed Umar to administer the oath to them on his behalf and to ask them to pledge that they would refrain from the things

mentioned in this verse. (Ibn Jarir, on the authority of Ibn Abbas; Ibn Abi Hatim, on the authority of Qatadah). Then, on his return to Al-Madinah he ordered the Muslim women of Al-Madinah to be gathered together in a house and he sent Umar to take the oath from them. (Ibn Jarir, Ibn Marduyah, Bazzar, Ibn Hibban, on the authority of Umm Atiyyah Ansariah). On the Eid day also, after his address to men, he went to the assembly of women and in his sermon to them, he recited this verse and asked them to pledge that they would refrain from the things mentioned in it. (Bukhari on the authority of Ibn Abbas's tradition). Apart from these occasions, at different other times also, the women came before the Prophet (peace be upon him) individually as well as collectively to take the oath of allegiance, as mentioned in several Ahadith.

(19) In Makkah, when the oath of allegiance was being administered, Hind bint Utbah, wife of Abu Sufyan, asked the Prophet (peace be upon him) its explanation and said: Messenger of Allah, Abu Sufyan is rather stingy. Will it be sinful if I take out something from his wealth without his permission to meet my own and my children's needs. The Prophet (peace be upon him) replied: Nay, but only, justly and lawfully; i.e. take only that much as may actually suffice for your needs. (Ibn al-Arabi, Ahkam al-Quran).

(20) This also includes abortion, whether it is abortion of the legitimate or of the illegitimate fetus.

(21) This implies two kinds of calumny:

(1) A woman's accusing other women of having illicit relations with other men and her spreading such stories among the people, for the women are generally prone to spreading such things.

(2) A woman's delivering a child by somebody else and making her husband believe that it is his. Abu Daud has related a tradition from Abu Hurairah saying that he heard the Prophet say: The woman who brings such a child into a family as does not

actually belong to it, has no connection with Allah, and Allah will never admit her to Paradise.

(22) In this brief sentence two important points of the law have been stated:

First, that obedience even to the Prophet (peace be upon him) has been restricted to “in what is good”, although about the Prophet (peace be upon him) no one could imagine that he would order somebody to do an evil. From this it automatically follows that no one in the world can be obeyed outside the bounds of divine law. For when obedience to Allah’s Messenger himself is conditional upon “in what is good”, who else can have a position to demand unconditional obedience and require the people to obey and follow each of his commands, laws, rules or customs, which are opposed to the law of Allah? The Prophet (peace be upon him) has stated this principle, thus: There is no obedience in the disobedience of Allah; obedience is only in what is good and right. (Muslim, Abu Daud, Nasai). Our great doctors have derived this very theme from this verse, Abdur Rehman bin Zaid bin Aslam says:

Allah has not said that they should not disobey you (the Prophet) but that they should not disobey you in what is good.

Then, when Allah Almighty has made obedience even to the Prophet himself conditional upon this, how can another person have the right that he should be obeyed in anything but what is good? (Ibn Jarir).

Imam Abu Bakr al-Jassas writes:

Allah knew that His Prophet (peace be upon him) never enjoined anything but what was good. Still He restricted obedience to him only in what is good, so that no one ever may find a provision to obey the kings when they enjoined something outside the obedience of Allah. The Prophet (peace be upon him) has said: He who obeys a creature in disobedience to the Creator, Allah appoints the same creature over him in power. (Ahkam al-Quran).

Allama Alusi says:

This command refutes the view of those ignorant people who think that obedience to the ruler is absolutely necessary.

Allah has restricted even obedience to His Messenger (peace be upon him) only in what is good, whereas the Messenger (peace be upon him) never enjoins anything but what is good. This is meant to warn the people that obedience to no one is lawful in disobedience to the Creator. (Ruh al-Maani).

Thus, this command in fact, is the foundation stone of the rule of law in Islam. The rule is that anything which is opposed to the law of Islam is a crime, and no one has the right to enjoin any such thing on any one. Anyone who enjoins anything against the law, is a culprit; and the one who obeys such a command is also a culprit. No subordinate can escape the punishment on the basis of the excuse that his superior officer had ordered him to do something which was a crime in the law.

The other thing which has great legal import is that in this verse after enjoining five prohibitions only one positive command has been given, namely that the Prophet (peace be upon him) will be obeyed in all good things. As for the evils, the major evils in which women of the pre-Islamic days were generally involved, have been mentioned and a pledge taken from them to refrain from them. But as for the good works, they have neither been mentioned nor any pledge taken to observe them. The only pledge that has been taken is that they will have to obey the Prophet (peace be upon him) in every good work that he enjoins. Now obviously, if the good works be only those which Allah Almighty has enjoined in the Quran, the pledge should have been to the effect: You will not disobey Allah, or You will not disobey the injunctions of the Quran. But when the pledge taken was to the effect: You will not disobey any good work that is enjoined by the Messenger (peace be upon him) of Allah, it automatically leads to the conclusion that the Prophet (peace be upon him) has been given vast powers for the reformation of society, and it is obligatory to obey all his commands, whether they are found in the Quran or not.

On the basis of this very legal authority the Prophet (peace be upon him) asked the women to pledge that they would refrain from all those evils which were prevalent among the women of the Arabian society at that time, and gave several such

commands as have not been mentioned in the Quran. One may study the following Ahadith in this connection:

Ibn Abbas, Umm Salamah, Umm Atiyyah Ansariah and others have reported that the Prophet (peace be upon him) while administering the oath of allegiance to the women asked them to pledge that they would refrain from mourning over the dead. These traditions have been related by Bukhari, Muslim, Nasai and Ibn Jarir.
A tradition reported by Ibn Abbas contains this detail: The Holy Prophet appointed Umar to administer the oath of allegiance to the women and commanded that he should forbid them to mourn over the dead, for in the days of pre- Islamic ignorance women used to tear their clothes and hair, scratched their faces and bewailed in aloud voice. (Ibn Jarir).

Zaid bin Aslam has reported that the Prophet (peace be upon him), while administering the oath of allegiance forbade the women to scratch their faces, tear their garments, bewail and sing verses while mourning over the dead. (Ibn Jarir). Another tradition bearing on the same subject has been reported by Ibn Abi Hatim and Ibn Jarir from a woman who was among the women taking the oath of allegiance. Qatadah and Hasan Basri say that one of the things that the Prophet (peace be upon him) had made the women to pledge also was that they would refain from talking with the other men freely. Ibn Abbas has explained it in a tradition, thus: That they would not talk with the other men in private.
Qatadah has further explained it thus: Hearing this command Abdur Rahman bin Auf said: O Messenger (peace be upon him) of Allah, sometimes it so happens that we are not present in the house and somebody comes to see us. The Prophet replied: I do not mean this. That is, the woman is not forbidden to tell the visitor that the master of the house is not present. (These traditions have been cited by Ibn Jarir and Ibn Abi Hatim).

Abdullah bin Amr bin al-Aas has reported another tradition from Umaimah bint-Rugaiqah, maternal aunt of Fatimah, saying: The Prophet (peace be upon him) made me to pledge that I would

neither bewail the dead nor display myself like the women of the pre-Islamic paganism. (Musnad Ahmad, Ibn Jarir).

Salmah bint Qais, a maternal aunt of the Prophet (peace be upon him), says: I went before the Prophet (peace be upon him) with some other women of the Ansar to take the oath of allegiance. He made us to pledge that we would abstain from the things mentioned in this verse, and then said: Do not defraud your husbands. When we were about to leave, a woman said to me: Go and ask the Prophet (peace be upon him) what is meant by defrauding the husbands? When I went and asked the explanation, he replied: This that you should defraud him of his money and expend it on others. (Musnad Ahmad).

Umm Atiyyah says: The Prophet (peace be upon him) after administering to us the oath commanded us that we would attend the Eid congregational prayers, but the Friday prayer is not obligatory for us, and he forbade us to follow the bier. (Ibn Jarir). The people who think that the constitutional powers and authority that the Prophet (peace be upon him) possessed emanated from his position as a ruler instead of his position as a Messenger (peace be upon him) of Allah, and say that since he was also the ruler at the time, whatever commands he gave in that capacity were only meant to be obeyed during his time, say an absurd thing. Consider the Prophet's (peace be upon him) commands and instructions that we have cited above. If these instructions given by him for the reformation of the woman had emanated only from his position as a ruler how could these reforms then be introduced and enforced among the women of the Muslim society of the entire world forever? Which ruler has there been in the world, who might have had the position that a command issued by him just once for a reform might have become enforced in the Muslim society everywhere in the world forever? (For further explanation, see (E.N. 15 of Surah Al-Hashr).

(23) Several authentic Ahadith show that in the Prophet's (peace be upon him) time the procedure of administering the oath of allegiance to the women was different from that to the men. For the men the procedure was that the ones pledging allegiance

would give their hand in the hand of the Prophet (peace be upon him) and take the oath. As for the women; the Prophet (peace be upon him) never took any woman's hand in his own hand, but adopted other different methods. In this connection, the following traditions have been reported:

Aishah says: By God, in connection with the oath of allegiance the Prophet's (peace be upon him) hand never touched any other woman's hand. While administering the oath of allegiance to a woman, he would only say to her: I have accepted your allegiance. (Bukhari, Ibn Jarir).

Umaimah bint Ruqaiqah has stated: I along with some other women went before the Prophet (peace be upon him) to pledge allegiance, and ho made us to pledge according to this verse of the Quran. When we said: We will not disobey you in what is good and right, he said: As far as it is in your power. We submitted: Allah and His Messenger (peace be upon him) are more kind to us than we could be to ourselves. Then we said: O Messenger of Allah, stretch your hand so that we may pledge allegiance. He replied: I do not shake hands with women: I only make them take the pledge. So he made us to pledge. In another tradition she has stated: The Prophet (peace be upon him) did not take the hand of any of us in his own hand. (Musnad Ahmad, Tirmidhi, Nasai, Ibn Majah, Ibn Jarir, Ibn Abi Hatim).

Abu Daud in Marasi has related this from Shabi: While administering the oath of allegiance to the women, a sheet of cloth was stretched towards the Prophet (peace be upon him), which he took in his hand and said: I do not take the woman's hand in my hand. This same subject has been related by Ibn Abi Hatim from Shabi, by Abdur Razzaq from Ibrahim Nakhai and by Saeed bin Mansur from Qais bin Abi Hazim.

Ibn Ishaq, in Maghazi has related this from Aban bin Salih: The Prophet (peace be upon him) would put his hand in a vessel full of water and then the woman also would put her hand in the same vessel. In Bukhari, a tradition from Abdullah bin Abbas is to the effect: After giving the Eid congregational sermon, the Prophet (peace be upon him) went through the rows of the men to the place where the women were sitting. There, in his address, he

recited this verse of the Quran, then asked the women: Do you promise to act according to it? A woman from the assembly replied: Yes, O Messenger of Allah.

In a tradition related by Ibn Hibban, Ibn Jarir, Bazzar and others, Umm Atiyyah Ansariah has stated this: The Prophet (peace be upon him) extended his hand from outside the house and we extended our hands from inside the house. But this does not prove that the women might have shaken hands with the Prophet (peace be upon him), for Umm Atiyyah has not made any mention of the shaking of hands. Probably on this occasion for the purpose of taking the pledge the Prophet (peace be upon him) might have extended his hand from outside and the women their hands from inside the house towards him without any of their hands touching his.

يٰۤاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَتَوَلَّوْا قَوْمًا غَضِبَ اللّٰهُ عَلَيْهِمْ قَدْ يَئِسُوْا مِنَ الْاٰخِرَةِ كَمَا يَئِسَ الْكُفَّارُ مِنْ اَصْحٰبِ الْقُبُوْرِ ﴿١٣﴾

(60-13) Believers, do not make friends with those against whom Allah is wrathful and who are despaired of the Hereafter, as despaired as are the unbelievers lying in their graves.[24]

(24) The words in the original can have two meanings:

First, that they have despaired of their well-being and rewards in the Hereafter just as the deniers of the life-afterdeath have despaired of the resurrection of their near and dear ones, who are dead and gone into the graves. This meaning has been given by Abdullah bin Abbas and Hasan Basri, Qatadah and Dahak.

The second meaning can be: They have despaired of the mercy and forgiveness of the Hereafter just as the disbelievers, who are lying in the graves, have despaired of every good, for they are certain of their being involved in the punishment. This meaning has been related from Abdullah bin Masud and from Mujahid, Ikrimah, Ibn Zaid, Kalbi, Muqatil.